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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,)
14 Plaintiff,) Case No. CR 08-00194 SBA
15 v.) JOINT MEMORANDUM REGARDING
16 JAMES RICHARDS,) DISPOSITION OF AMENDED PETITION
17 Defendant.)
18 _____)

19
20 Plaintiff United States of America and defendant James Richards, by and through their respective
21 counsel of record, hereby file this joint memorandum in support of disposition of the pending Amended
22 Form 12 Petition before the Court. At the hearing scheduled for September 14, 2018, at 3:00 p.m., the
23 parties anticipate the defendant admitting to Charges One through Four of the Petition, and the
24 government dismissing Charge Five. The parties agree that the four admitted violations are Grade C
25 violations, that defendant is Criminal History Category V, and that he faces a guidelines sentence of
26 seven to thirteen (7-13) months under the United States Sentencing Guidelines (“U.S.S.G.”). U.S.S.G. §
27 7B1.4.
28

1 Following substantial negotiations, the parties have negotiated a compromised resolution to
2 resolve the Form 12 that consists of the following disposition:

3 1. Defendant will serve two months in custody.

4 2. Defendant will then be released to the Residential Reentry Center (“RRC”), subject to the
5 following special conditions in addition to any general and special conditions already in place:

- 6 a. Defendant will immediately report to the RRC upon his release, where he will
7 reside for ten (10) months, subject to the rules and regulations of the RRC and any
8 terms and conditions as directed by his probation officer.
9 b. Defendant will be subject to GPS monitoring during the first five (5) months of
10 his release to the RRC, subject to any terms and conditions as directed by his
11 probation officer.
12 c. Defendant will remain subject to all general and special conditions that were
13 already in place at the time of the commencement of his supervised release for the
14 counts of conviction.

15 3. A 58 month term of supervised release will follow defendant’s incarceration, which
16 equates to a five year term, minus the two months of custody time imposed.

19 Dated: September 13, 2018

ALEX G. TSE
United States Attorney

21 _____
22 /s/ Thomas R. Green
23 THOMAS R. GREEN
Assistant United States Attorney

24 Dated: September 13, 2018

25 _____
26 /s/ Joyce Leavitt
27 JOYCE LEAVITT
28 Attorney for Defendant James Richards